



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 7, 2014

Mr. Kipling D. Giles  
Senior Counsel  
Legal Services Division  
CPS Energy  
P.O. Box 1771  
San Antonio, Texas 78296

OR2014-05671

Dear Mr. Giles:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 518988.

The City Public Service Board of the City of San Antonio d/b/a CPS Energy ("CPS") received a request for the previous bid tabulation for Collective No. 7000123108 for Computer Technical Services. Although you take no position with respect to the public availability of the submitted information, you state release of this information may implicate the proprietary interests of certain third parties, namely: HTS Voice & Data Systems, Intech Southwest, HelpMe! Computers, Robert Half Technology, Ecom, Inc., Consultis Information Technology, Modis, Inc., FedBiz4U, Inc., and Computer Express. Accordingly, you state and provide documentation showing, you have notified these third parties of the request for information and of their rights to submit arguments to this office as to why the requested information should not be released. *See* Gov't Code § 552.305 (permitting interested third party to submit to attorney general reasons why requested information should not be released); *See also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permitted governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under the circumstances). We have reviewed the submitted information.

An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). As of the date of this letter, we have not received comments from any of the third parties explaining why their submitted information should not be released.

Therefore, we have no basis to conclude any of the third parties has a protected proprietary interest in the submitted information. *See id.* § 552.110; Open Records Decision Nos. 661 at 5-6 (1999) (to prevent disclosure of commercial or financial information, party must show by specific factual evidence, not conclusory or generalized allegations, that release of requested information would cause that party substantial competitive harm), 552 at 5 (1990) (party must establish *prima facie* case that information is trade secret), 542 at 3. Accordingly, CPS may not withhold the submitted information on the basis of any proprietary interest any of these companies may have in the information. As no exceptions to disclosure have been raised, CPS must release the submitted information in its entirety.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.texasattorneygeneral.gov/open/orl\\_ruling\\_info.shtml](http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Lee Seidlits  
Assistant Attorney General  
Open Records Division

CLS/tch

Ref: ID# 518988

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

HTS  
12918 Flagship Drive  
San Antonio, Texas 78247  
(w/o enclosures)

Intech Southwest  
4778 Research Drive  
San Antonio, Texas 78240  
(w/o enclosures)

HelpMe! Computers  
903 Austin Highway  
San Antonio, Texas 78209  
(w/o enclosures)

Ecom, Inc.  
Suite 203  
1717 North Loop 1604 East  
San Antonio, Texas 78232  
(w/o enclosures)

Mr. Chuck Vandeer  
Modis  
10999 IH 10 West, Suite 290  
San Antonio, Texas 78230  
(w/o enclosures)

Computer Express  
P.O. Box 691547  
San Antonio, Texas 78269  
(w/o enclosures)

Mr. Brandon Rackley  
Robert Half  
9901 IH 10, Suite 230  
San Antonio, Texas 78230  
(w/o enclosures)

Consultis  
8700 Tesoro Drive, Suite 360  
San Antonio, Texas 78217  
(w/o enclosures)

FedBiz4U, Inc.  
1425 Universal City Boulevard  
Universal City, Texas 78148  
(w/o enclosures)